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January 7, 2021

By Electronic Case Filing

The Honorable Katharine H. Parker, U.S.M.J.  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, N.Y. 10007-1312

RE: Federal Insurance Company v. Gander & White Shipping, Inc.  
U.S. District Court for the Southern District of N.Y., Case No. 1:19-cv-07209-ALC-KHP

Dear Judge Parker:

In accordance with the Court's memo endorsement of December 8, we write to update the Court as to the status of discovery in the captioned matter.

On December 16, Plaintiff's counsel took the depositions of Forrest Sanders and Christian Olivares, two of the three crew members employed by Defendant who picked up the three artworks in question from Ms. Hedley's home on December 13, 2018. On December 22, Plaintiff's counsel also took the deposition of their supervisor, Gilles de Greling, the director and head official of Defendant's facility in West Palm Beach, Florida.

Counsel are now in the process of scheduling the deposition of Gander & White employee Sara Rada, who was responsible for the handling of Ms. Hedley's account. Defendants are seeking to depose Plaintiff's corporate representative under FRCP 30(b)(6) to shed light on at least the following issues: (a) the appraisal, if any, of the works that was used to adjust the claim; (b) the current location of the artwork that was delivered to New York; (c) the nature of communications, if any, with the Marianne Boesky Gallery, artist Donald Moffett or Robert and Adriana Mnuchin.

Defendants issued the subpoena to produce documents, information, or objects and to testify at a deposition to Ms. Hedley through her counsel, who acknowledged receipt and authority to accept service of that subpoena. Responses to the subpoena are due January 20, and the virtual deposition is expected to be conducted on January 28 (assuming relevant documents and records are timely disclosed in advance thereof).

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Defendants are drawing up additional non-party subpoenas to the Marianne Boesky Gallery in New York for records regarding and relating to the Donald Moffett artworks involved in the captioned matter, including communications with Ms. Hedley, her parents Robert and Adriana Mnuchin, and Donald Moffett. Defendants served the Mnuchins on November 12, 2020 seeking similar records, but Defendants have received no response thereto.

Settlement discussions have moved forward. In response to Plaintiff's reduced settlement demand on November 25, Defendant made a written settlement offer on January 5. Plaintiff responded in turn on January 6 with another reduction in its demand.

Respectfully submitted,

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